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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,359	07/17/2006	Hiroshi Abe	288043US8PCT	4124
22850 7590 03/09/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER CHAWAN, SHEELA C				
ART UNIT		PAPER NUMBER		
2624				
NOTIFICATION DATE		DELIVERY MODE		
03/09/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/586,359

Applicant(s)

ABE ET AL.

Examiner

SHEELA C. CHAWAN

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 16-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/GA-08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 9/2/09; 4/2/08; 7/17/06

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 9/2/09; 4/2/08; 7/17/06, the information disclosure statement is being considered by the examiner.

Drawings

3. The Examiner has approved drawings filed on 7/17/06.

Election/Restriction

4. Claims 16-33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant's election without traverse of group I claims 1-15 filed on 2/16/10 is acknowledge.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 15 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non- statutory subject matter as follows. Claim 15 defines a program for causing a control device to execute a program. However, the claim does not define a computer-readable medium or memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium

it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized" - Guidelines Annex IV). That is, the scope of the presently claimed a program can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claim to embody the program on "computer-readable medium" or equivalent in order to make the claim statutory. Any amendment to the claim should be commensurate with its corresponding disclosure.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15, are rejected under 35 U.S.C. 102(e) as being anticipated by Zeller et al., (US.7,054,461 B2).

As to claim 1, Zeller discloses an apparatus for preventing unauthorized copying of printed contents printed on printing paper, said apparatus comprising:

acquisition means for acquiring pattern information according to the pattern carried by the printing paper (fig 1, element 108, acquiring test image, fig 1 110, column 5, lines 57- 67, column 6, lines 1-19, 38-58);

storage means for storing the pattern information acquired by the acquisition means on the printing paper (fig 1); and

verification means for verifying the validity of the printing paper according to the pattern information stored by the storage means (fig 1, 112, column 5, lines 65- 67, column 6, lines 1-45).

As to claim 2, Zeller discloses the apparatus according to claim 1, wherein said acquisition means includes:

image pickup means for shooting the pattern (fig 1, element 108, acquiring test image, fig 1 110, column 5, lines 57- 67, column 6, lines 1-19, 38-58); and

extraction means for extracting the pattern information from the pattern image obtained as a result of the shooting by the image pickup means (extraction of 2D barcode the print quality process sub divides a region of the image containing the bar code into equal sub-boxes column 8, lines 13-59, column 9, lines 30- 67);

the extraction means being adapted to extract the pattern information from a low range frequency component (column 10, lines 1-16, column 17, lines 44- 58, column 18, lines 19- 67, column 23, lines 10-36).

Regarding claim 3, it is interpreted and thus rejected for the same reasons as applied above in the rejection of claim 2.

Regarding claim 4, it is interpreted and thus rejected for the same reasons as applied above in the rejection of claim 2.

Regarding claim 5, it is interpreted and thus rejected for the same reasons as applied above in the rejection of claim 2.

As to claim 6, Zeller discloses the apparatus according to claim 1, wherein said acquisition means includes:

image pickup means for shooting the pattern (fig 1, element 108, acquiring test image, fig 1 110, column 5, lines 57- 67, column 6, lines 1-19, 38-58); and

extraction means for extracting the pattern information from the pattern image obtained as a result of the shooting by the image pickup means(extraction of 2D barcode the print quality process sub divides a region of the image containing the bar code into equal sub-boxes column 8, lines 13-59, column 9, lines 30- 67);

the extraction means being adapted to divide the pattern image so as to define a plurality of regions and extract a characteristic quantity from each of the defined regions as pattern information(column 10, lines 1-16, column 17, lines 44- 67, column 18, lines 1- 67, column 23, lines 10-36).

As to claim 7, Zeller discloses the apparatus according to claim 1, wherein the verification means is adapted to correct the pattern information, if necessary, and verify the validity of the printing paper according to the corrected pattern information (column 4, lines 34- 67, column 5, lines 1-30, column 6, lines 58- 67, column 7, lines 1-18, column 11, lines 41-56, column 12, lines 1-54).

Regarding claim 8, it is interpreted and thus rejected for the same reasons as applied above in the rejection of claim 6.

Regarding claim 9, it is interpreted and thus rejected for the same reasons as applied above in the rejection of claim 1.

Regarding claim 10, it is interpreted and thus rejected for the same reasons as applied above in the rejection of claim 2.

As to claim 11, Zeller discloses an apparatus for preventing unauthorized copying of printed contents printed on printing paper, said apparatus comprising:

image pickup means for picking up an image of the pattern carried by the printing paper (fig 1, element 108, acquiring test image, fig 1 110, column 5, lines 57- 67, column 6, lines 1-19, 38-58);

extraction means for dividing the pattern image obtained as a result of the image pickup operation of the image pickup means to define regions of a predetermined unit and extracting each of the regions obtained as a result of the division as pattern information and showing a predetermined profile as pattern information (column 9, lines 11-67, column 10, lines 1-54, column 17, lines 32- 67, column 18, lines 1-67, column 19, lines 1-49);

storage means for storing the pattern information extracted by the extraction means on the printing paper (fig 1); and

verification means for verifying the validity of the printing paper according to the pattern information stored by the storage means (fig 1, 112, column 5, lines 65- 67, column 6, lines 1-45).

Regarding claim 14, it is interpreted and thus rejected for the same reasons as applied above in the rejection of claim 11.

Regarding claim 15, it is interpreted and thus rejected for the same reasons as applied above in the rejection of claim 11.

Other prior art cited

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rodriguez et al., (US. 6,650,761 B1) discloses watermarked business cards and methods.

Kaish et al., (US. 5,974,150) discloses system and method for authentication of goods.

Tame (US. 7,633,651 B2) discloses generating a non-reproducible printed image.

Nakazawa et al., (US. 7,106,902 B2) discloses personal authentication system and method thereof.

Nakazawa et al., (US. 7,143,948 B2) discloses reading method of the two-dimensional bar code.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is. 571-272-7446. The examiner can normally be reached on Monday - Friday 8.30 am - 5.00 pm and every Wednesday work from home. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vikkram Bali can be reached on 571-272-7415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sheela C Chawan/

2/26/10

Primary Examiner, Art Unit 2624

